

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1345 OF 2007

IN

CRIMINAL APPEAL No. 517 OF 2005

Md. Farukh @ Akram A.R. Kazi

Applicant

Vs.

State of Maharashtra

Respondent

Sri S. Khalif i/b Amin Solkar, advocate
for the Applicant.

Sri P. S. Hingorani, APP for the respondent.

CORAM : Sri R.M.S. KHANDEPARKAR &
Sri A. A. SAYED, JJ.

DATE : DECEMBER 17, 2007.

P.C.

. Heard the learned advocate for the
applicant and the learned APP for the
respondent. The Superintendent of Kolhapur
Central Prison is present in person, in terms
of the order dated 13th December 2007. He has
placed before us the records in relation to
the applicant, which apparently disclose that
the applicant has not been sent to any
solitary confinement cell. On the contrary,

he has been transferred to "Anda barrack" cell where apart from the applicant, there are four more prisoners. The transfer order itself shows that the same has been on account of misbehaviour on the part of the applicant, and in the interest of proper administration of the jail. In the circumstances, there is absolutely no substance in the contention of the applicant that he has been sent to solitary confinement cell. The record also disclose that the father of the applicant was allowed to meet the prisoner in the month of September. It is further contention on behalf of the respondent that thereafter father of applicant has not visited the applicant. The authorities have no difficulty in allowing the relatives to meet the accused person. We accept the said statement on behalf of the respondent.

2. It is to be noted that we were compelled to pass the order dated 13th December 2007 primarily on account of the statement made on behalf of the applicant that without any legitimate reason, he has been

transferred on 16th October 2007 to solitary
confinement cell. Apparently statement is not
correct. In the circumstances therefore,
application is without any substance and is
hereby dismissed.

Sd/-
[R.M.S. KHANDEPARKAR, J.]

Sd/-
[A. A. SAYED J.]